

Local Law 3 of 2021, A LOCAL LAW to amend *Lake Success Code Chapter 67* entitled “Landscape Garden Control.”

Section One. *Lake Success Code* §67-4 entitled “Registration expired; exceptions,” subparagraph A, is hereby amended as follows:

§67-4. Registration expired; exceptions.

A. It shall be unlawful for any person to engage in or practice the trade or business of commercial landscape gardening within the corporate limits of the Village without having first registered with the Village pursuant to the requirements of this chapter or to apply pesticides or other chemicals without proof that they are licensed by the appropriate New York State agencies to apply pesticides and other chemicals. A copy of said license shall be provided to the Building Department Clerk.

Section Two. *Lake Success Code* §67-6 entitled “Regulations” is hereby amended as follows:

- A. A gardener, landscaper or any other person, including the homeowner, shall not blow or rake leaves, grass or other debris onto any public highway or right-of-way or onto the property of any person nor cause or permit any person or entity to do the same.
- B. A gardener, landscaper or any other person, including the homeowner, shall not remove leaves, clippings or other yard waste in a truck, dump truck, van or other motor vehicle, trailer, container or other towable device without securing a tarpaulin or other covering to prevent accidental spillage.
- C. A gardener, landscaper or any other person, including the homeowner, shall not place any garbage, refuse, cuttings, leaves, wood or other materials upon any public highway or right-of-way or upon any public or private place or property except with the consent of the owner thereof nor cause or permit any other person or entity to do the same.
- D. A gardener, landscaper or any other person, including the homeowner, shall not spill or dump oil, gasoline or other petroleum products or any pesticides on the public highway or right-of-way or anywhere on the ground or on the property of any person nor cause or permit any other person or entity to do the same.
- E. A gardener, landscaper or any other person, including the homeowner, shall not fill or refill any machinery or equipment with any fuel or lubricant except over a drop cloth or other device designed to catch and retain any accidental spillage nor cause or permit any other person or entity to do the same.

- F. A gardener, landscaper or any other person, including the homeowner, shall not remove any tree without first applying for a permit at the Village office pursuant to *Lake Success Code*, Chapter 99, entitled "Trees, Preservation of" which states in pertinent part that a permit is required for the removal of any tree with a trunk diameter of seven inches or greater measured four feet from ground level.
- G. A gardener, landscaper or any other person, shall not spray trees, plants or other foliage or otherwise apply pesticides or fertilizers on Saturday or Sunday.
- H. All gardening and landscaping shall be performed in accordance with the laws, ordinances, rules and regulations of the United States, the State of New York, the County of Nassau and the Village.
- I. A gardener, landscaper or any other person, including the homeowner, may perform landscaping, gardening or groundskeeping services on weekdays only from 8:00 a.m. to 5:00 p.m., and on Saturdays only from 9:00 a.m. to 2:00 p.m. No such services shall be performed on a Federal holiday.
- J. A gardener, landscaper or any other person, including the homeowner, shall not operate or permit the operation of any equipment which emits unusually loud or unnecessary noise nor cause or permit any other person to do the same in violation of *Lake Success Code*, Chapter 75, entitled "Noise" which states in pertinent part that lawnmowers, leaf blowers and other similar machines are permitted on weekdays only from 8:00 a.m. to 5:00 p.m. and Saturdays from 9:00 a.m. to 2:00 p.m.
- K. A gardener, landscaper or any other person, including the homeowner, shall not operate or permit the operation of any equipment which emits excessive fumes nor cause or permit any other person to do the same.
- L. A gardener, landscaper or any other person, including the homeowner, shall not burn any wastepaper, rubbish, leaves, cuttings, wood or other waste materials at any time nor cause or permit any other person to do the same. This shall not prevent a homeowner from burning wood in a fireplace or firepit.
- M. No gardener, landscaper or any other person shall apply or spray pesticides or fertilizers on any properties within the Village unless they have been approved by the appropriate Federal, State or local agencies and have provided the Village with copies of all required permits and licenses as set forth in *Lake Success Code* §67-4(A).

Section Three: If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the courts order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section Four. This local law shall take effect immediately upon filing with the Secretary of State.